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# DECISION NOTICE

# BLACKFOOT RIVER

## Recreation Management Plan & Environmental Assessment

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March 18, 2010

This document serves as the Decision Notice for the Blackfoot River Recreation Management Plan and Environmental Assessment. To view a copy of the Final Recreation Management Plan, visit the FWP web site at [fwp.mt.gov](http://fwp.mt.gov) (click on "Blackfoot River Plan" under recreation) or phone (406) 542-5562 to request a hard copy.



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## INTRODUCTION TO THE DECISION NOTICE

Montana Fish, Wildlife & Parks (FWP) invited public comment on a Draft Recreation Management Plan and Environmental Assessment (EA) for the Blackfoot River. This document serves as the Decision Notice for the Final Plan and EA. The Final Plan is available on the FWP website: [fwp.mt.gov](http://fwp.mt.gov) (see “Blackfoot River Plan” under Recreation) or phone (406) 542-5562 to request a hard copy. The Final Plan is based on recommendations of the River Recreation Advisory for Tomorrow (RRAFT) advisory committee, analysis of public comments and input from FWP staff.

## PUBLIC INVOLVEMENT PROCESS

The public involvement process was initiated with the appointment of a 25-member advisory committee (RRAFT Committee). The members were chosen from a broad geographical region and represented the interests of the general recreating public, landowners, outfitters, and local, state and federal agencies. The committee developed recommendations for addressing recreation management issues. The Draft Blackfoot River Recreation Management Plan was developed based on those recommendations and input from FWP staff.

A Blackfoot River Plan webpage was developed on the FWP website to provide updates on RRAFT Committee progress and provide a link to each management issue with the ability to submit comments online throughout the planning process. In addition, a list of interested parties was generated, which consisted of landowners along the Blackfoot, Blackfoot recreationists, commercial outfitters, conservation groups, Montana state legislators, and federal, state and county departments or agencies. This list was used throughout the process to communicate with the public and management partners.

The Draft Plan and EA were made available for public review and comment from October 14, 2009 through December 16, 2009. Legal notices were published once in each the *Blackfoot Valley Dispatch* (Lincoln, Oct 15), *Independent Record* (Helena, Oct 11), the *Missoulian* (Oct 11) and the *Seeley Swan Pathfinder* (Seeley Lake, Oct 14) newspapers. A statewide news release was issued October 5, 2009. Public open houses took place in Ovando (Oct 19) and Missoula (Nov 5). Beginning November 10, the deadline for comment was extended and a third public meeting was added. Legal notice for these further actions was published once each in the *Blackfoot Valley Dispatch* (Lincoln, Nov 12), *Independent Record* (Helena, Nov 13), the *Missoulian* (Nov 11), *Seeley Swan Pathfinder* (Seeley Lake, Nov 12) and the *Silver State Post* (Deer Lodge, Nov 11) newspapers. A second statewide news release was issued November 10, 2009. A follow-up public meeting was held in Ovando (Nov 19) to provide a presentation about the plan and management issues, a question and answer period and an opportunity to submit comments.

## COMMENT ANALYSIS PROCESS

Eighty-three commentors submitted comments on the Draft Blackfoot River Recreation Management Plan and EA. One hundred and five people signed a petition against the permitting of Reach 3. All comments were recorded in their original format and sorted by issue or topic. This was followed by a *quantitative* and *qualitative* analysis of the comments. The *quantitative* analysis recorded the total number of comments on a particular issue or topic and the number of comments that were in support of each alternative. The *qualitative* analysis recorded reasons for supporting alternatives as well as additional thoughts and concerns that were presented in the comments.

## MANAGEMENT ISSUES

The EA identified the following 5 management issues, alternatives for addressing those issues, and predicted impacts for each alternative. Please consult the EA for a description of the issues.

- Opportunities for Overnight Float Trips
- Volume of Float Use in Reach 3
- Volume of Float Use in Reaches 4 and Upper 5
- Volume of Use in Lower Reach 5 and Reach 6
- Proposed Permit Allocation System

## OPPORTUNITIES FOR OVERNIGHT FLOAT TRIPS

### Alternatives

Alternative A: Manage existing camping opportunities as first-come, first-serve within existing campgrounds.

Alternative B: Restrict camping to designated sites in high use areas of the Blackfoot River and explore and pursue establishment of float-only campsites.

### Comment Summary

There were 31 comments on this issue:

- 12 supported Alternative A
- 12 supported Alternative B
- 7 provided input on this topic but did not indicate support for a specific alternative.

The following are representative of comments in support of Alternative A:

- “No camping on the Blackfoot except the take outs where it is already permitted. It will mess up all the good spots where the day floaters stop for breaks.”
- “Manage camping opportunities to existing campgrounds.”
- “I do not think we need to expand the number of campsites, but better management of existing sites should be expanded.”

The following are representative of comments in support of Alternative B:

- “Identify, establish and manage appropriate float camps along the main stem of the river and prohibit unauthorized sites from randomly and irresponsibly being established on inappropriate reaches of the river and the tributaries.”
- “I very much like the idea of float only campsites.”
- “I support selected designated primitive sites for float only use so that a multi-day float is a higher quality and more special experience.”

Other comments pertaining to overnight float camping included:

- More “on-river” FWP presence would be needed.
- Adding float-in campsites could create the need for additional staff and budget resources.
- Float-in campers should register and reserve float-in sites.
- Fires could be permitted in fire pans, with open fires banned.

- Campers should be required to pack out trash and human waste.
- Fines for violations should be increased.
- A low impact boating and camping education program could be implemented.

## Decision

FWP will explore and pursue opportunities for overnight float camping. This could include designated existing campsites for overnight float trips and establishing new sites exclusively for overnight float camping. Decisions regarding new overnight float camping opportunities must consider resource and social impacts, e.g. human waste management, fire danger, trespass and other landowner concerns. Management options may require use of portable toilet systems, fire pans, and other Leave No Trace practices. All such efforts to pursue new opportunities for overnight float camping will be contingent upon the availability of staff and resources.

## Rationale & Response to Comments

The public comments illustrated the popularity and demand for overnight float trips and the resource and social concerns that must be considered. Private land owners are wary of trespass, campfires, litter and the human waste generated by overnight use. There is also a concern as to whether FWP has the resources to properly manage overnight float camping at sites located away from existing campgrounds. Initially, FWP can provide camping opportunities for overnight float trips using existing campgrounds. This would not significantly change the maintenance or operational workload of the field staff and would improve opportunities for the public.

## VOLUME OF FLOAT USE IN REACHES 3, 4 & UPPER 5

Note: The Decision Notice provides a single decision for Volume of Use in Reaches 3, 4, and Upper 5. The Environmental Assessment identified Volume of Use in Reach 3 as a separate issue from Volume of Use in Reaches 4 and Upper 5. The decision, however, applies to all three reaches and therefore the two issues were combined in this document.

## Alternatives

Alternative A (Reaches 3): Continue to manage watercraft launches in Reaches 3, 4 and Upper Reach 5 without a trigger point to indicate when additional management actions may be warranted.

Alternative B (Reach 3): Establish a trigger point for the number of watercraft launches in Reach 3 and implement additional management actions if the trigger point is exceeded.

Alternative A (Reaches 4 and Upper 5): Continue to manage watercraft launches in Reaches 3, 4 and Upper Reach 5 without a trigger point to indicate when additional management actions may be warranted.

Alternative B (Reaches 4 and Upper 5): If a permit system is implemented in Reach 3, establish a trigger point for the number of watercraft launches in Reach 4 and Upper Reach 5 and implement additional management actions if the trigger point is exceeded.

## **Comment Summary**

There were 63 comments on the topic of managing the volume of float use in Reaches 3, and/or 4 & Upper 5 combined:

- 27 supported Alternative A
- 4 supported Alternative B for Reach 3
- 3 supported Alternative B for Reaches 4 and Upper 5
- 29 provided input on this topic but did not express support for a particular alternative.

The following are representative of comments in support of Alternative A:

- “I don’t believe that we should set in place a trigger point which will inevitably be reached (it is too low!) and restrict use on that reach due to such a small window of activity.”
- “Need a better understanding/definition of “Trigger Point” and a more accurate account of use before a discussion of implementing controls.”
- “I am particularly concerned with your method(s) for setting a standard.”
- “Arbitrarily setting a trigger point without additional data is un-warranted.”

The following are representative of comments in support of Alternative B:

- “Alternatives B (trigger points) is probably necessary for all of these reaches, using the tiered approach recommend in the Draft (i.e., establish trigger points in Reach 4/5 after mandatory restrictions in Reach 3.”
- “We also recognize monitoring of watercraft launch numbers per day as a useful indicator for helping establish a suitable standard for acceptable conditions based on the original “frequency of encounters” gauge.”
- “I believe that the Blackfoot River Draft Recreation Management Plan and Environmental Assessment document adequately outlined the triggers that will initiate action towards a permit.”

The remaining comments provided thoughts on the current volumes of use in Reaches 3, 4 and Upper 5 and approaches for managing volume of use. The majority of those thoughts fell into 5 main categories: High volume use assessment; Low volume use assessment; Trigger evaluation; Spontaneity of use; and Timing of use. The following are summaries of comments received for each category.

High volume use assessment (8 Comments):

- “In early July during a 4.5 hour period we counted over 72 boats going by our house. I believe you will find few days when the launches are not in excess of 40.”
- “Recreational use on some reaches, particularly reach 3 from Harry Morgan to Russ Gates, already exceeds the numbers suitable for the quality of experience many users seek.”
- “I have seen numbers of boat increase geometrically over the last 20 years. This is more of a race than a relaxing float.”

Low volume use assessment (7 Comments):

- “I did Harry Morgan to Scotty Brown on a July this Saturday this summer, and we saw maybe 3 other boats. Don’t fix something that ain’t broke.”

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- “I saw perhaps 3-4 rafts per day on this stretch, which doesn’t really seem to be crowded given it was July.”
- “I will say that we have never had the feeling that the river between Harry Morgan and Russell Gates is “overcrowded”.”

### Threshold Evaluation (7 Comments):

- “I am concerned that there be public input before implementing a certain management action after some arbitrary “trigger” point is reached.”
- “Continue to manage without triggers until there is more specific data and the “trigger point” is better defined. Happy to revisit in 2 years or so.”
- “We urge the department to make available data collected during the two-year period and actively involve interested and affected user groups – private and commercial – in any eventual permit allocation scheme development.”

### Spontaneity of use (4 comments):

- “Having the freedom to spend the day on the river as time allows without asking permission first is vital to our family.”
- “For me and my family, the ability to have short range planning and use of the river is of paramount importance.”
- “It removes the possibility of spontaneous recreation in this reach which many of the local residents rely on.”

### Timing and location of use (3 comments):

- “I think that the use is high for such a short period of time that it may still be at a tolerable level.”
- “I have noticed that only 4-5 weekends all summer long have been crowded, but not the entirety of the week.”
- “Personally, I believe that at certain times of the year, and on certain stretches of the river, it’s [permitting] not only inevitable, but desirable.”

## **Decision**

FWP decided that it was premature to establish a standard (threshold) based on number of watercraft launches in Reaches 3, 4 or Upper 5. The department is not proposing restrictive management actions. FWP will use observations and data collected in the field, combined with input from visitors, landowners, and other area residents, to establish a better understanding of recreational use and desired conditions in these and other reaches of the river. Future consideration of restrictions would include opportunities for public participation and would be contingent on the department having adequate resources to properly implement them.

## **Rationale & Response to Comments**

The draft plan proposed to monitor social conditions on the water in Reach 3 and implement restrictive management actions if an unacceptable threshold was reached. Based on the public’s comments it was apparent that the majority of people were concerned that the plan would lead to a permit system or other

type of restrictions on recreational opportunities. This was particularly concerning due to the lack of sufficient recreation use data. It is important that the recreating public and those affected by recreation management decisions are fully informed and have the ability to provide comments on potential management actions. In this case, the majority of those people who provided comments on the draft plan supported the collection of additional data but did not support any additional actions at this time.

## VOLUME OF FLOAT USE IN LOWER REACH 5 AND REACH 6

### Alternatives

Alternative A: Continue to manage for high volumes of summer use while monitoring resource impacts and user behavior.

Alternative B: Manage for fewer people at access sites and reduced frequency of encounters on the river.

### Comment Summary

There were 17 comments pertaining to the management of float use in Lower Reach 5 and Reach 6:

- 15 supported Alternative A
- 2 supported Alternative B

The following are representative of comments in support of Alternative A:

- “I support relatively high use levels on Section 5 and 6 on the lower river.”
- “Pushing the many tubers out of this reach would just push them to other sections of the river which, I believe, would just upset more land owners and anglers.”
- “The issue here is how to deal with all the overhead that comes with lots of folks. Garbage, parking, alcohol, human and pet waste. The list goes on. These are not issues of crowding on the river itself but on the support systems in place to deal with the large number of users. I believe your work has been fruitful in these areas.”

The following are representative of comments in support of Alternative B:

- “To lessen the impact on upper reaches of the river, one solution would be to limit the number of tubers on the lower reaches. This would make the lower reaches much more desirable to fishing and recreational floaters.”
- “The tubing issue really needs to be addressed on the lower river as well as litter. I would suggest devising a way to charge for tubing, or limit tubing to below Johnsrud Park.”

### Decision

FWP will continue to manage Lower Reach 5 and Reach 6 for higher volumes of summer use while monitoring resource conditions and user behavior. This is consistent with previous and proposed planning guidelines and follows the improvements in resource and social conditions achieved through the interagency cooperative efforts implemented over the past several years.

### Rationale & Response to Comments

Lower Reach 5 and Reach 6 are very accessible from Missoula and the Whitaker Bridge to Johnsrud section is primarily public land. FWP and agency partners in the Blackfoot Recreation Corridor are able to adjust law enforcement and resource protection management actions with existing authority and resources. In addition to supporting a community-led river cleanup effort, FWP and the Bureau of Land Management will



continue to provide free mesh trash bags at major river access points and to the Potomac Home and Community Club who make the mesh bags available at local inner tube dealers and sporting goods outlets.

Potential natural resource and behavior-related issues that could exist in Lower Reach 5 and Reach 6 (along with potential management actions) are described in Chapter 5 of the Plan. These descriptions provide guidance for managers in monitoring natural resource conditions, public safety, and recreationist behaviors, and in implementing appropriate management actions if/when problems arise.

## **PROPOSED PERMIT ALLOCATION SYSTEM**

### **Alternatives**

Alternative A: No Permit System.

Alternative B: Hybrid Allocation System. Two-phased permit allocation system with split allocation for the first phase and first-come, first-serve allocation for the second phase.

Alternative C: Non-fixed Allocation System. Allocate all permits to individuals (none specifically to commercial users). Permit holders would then decide whether to hire a commercial service provider.

Alternative D: Fixed (Split) Allocation System. Allocate a pre-defined quantity of permits to commercial users and a pre-defined quantity of permits to non-commercial users.

### **Comment Summary**

There were 70 comments on this issue:

- 17 opposed adoption of a permit allocation system
- 7 supported adoption of a permit allocation system
- 46 expressed concern with the proposed permit allocation system and provided suggestions in regard to consideration of a permit system.

FWP also received a petition (105 signatures) stating support of “the Blackfoot River and the Plan’s Alternative B as stated in subsection 6.8 with one alteration: “to identify potential indicators of managing volume of use” in all reaches, including reach 3, prior to any implementations occurring.”

The following are representative of comments opposed to implementation of a permit system:

- “I do not think you should recommend a permit system for the Blackfoot on any stretches.”
- “I have read the plan and I am totally against any permitting on this river.”
- “I sincerely hope FWP will stay with the non-restrictive management actions and take the permit option off the table.”

The following are representative of comments supportive of a permit system:

- “Suggest a limited permit system is the only way to protect the experience and the resource.”
- “The most cherished experiences in Montana are those that have restricted use and we need to come up with more of these as the current ones available, such as the Smith are focusing too much demand on too few rivers. I recommend the restricted use with permit allocation alternative B (2-phase).”

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- “We all deserve to share this great resource so I urge Montana FWP to adopt a day permit allocation system for floaters.”

The remaining comments expressed concern over the proposed permit allocation system and provided suggestions to FWP regarding consideration of a permit system. The majority of those suggestions fell into 4 main categories: Data and information needs; Commercial use restrictions; Range of management actions; and Displacement of use. The following are summaries of comments received for each category.

### Data and Information needs (17 comments):

- “Do NOT permit Reach 3 until all the facts are in and other considerations are looked into.”
- “I believe that the proposed changes should be looked at further. I’m not sure a decision can be made at this time, more info needs to be gathered.”
- “I believe, based on my review of your proposal, that there is a paucity of good data to support restrictive permitting at this point. Good data collection seems absolutely necessary before making any big moves.”
- “The permit system should be removed from the plan and shelved until it can be discussed and designed with access to adequate information.”

### Commercial use restrictions (10 comments)

- “It is wrong to suggest the implementation of restrictions and permits on the private public, who theoretically own the River, before commercial use has been rationed by limiting the number of businesses that can operate, the number of launches the business has and the specific days they can operate on certain stretches of the river.”
- “I urge the FWP not to implement a permit system that limits the individual public use of a river, before reasonable limits have been imposed on commercial users.”
- “Limit commercial outfitters as a first step.”

### Range of Management Actions (7 comments)

- “While we believe that many of the management actions listed in the plan and EA could and should be implemented sooner rather than later, more specific descriptions and direct links between problems and solutions may be necessary to convince many that there is a need for more intensive management of the river. In addition, other options for implementation of possible management actions currently listed in the plan or EA must be considered.”
- “I do not feel that the Draft River Management Plan is acceptable relative to proposed regulatory restrictions since it does not provide a more complete range of alternatives for the public to consider.”
- “I like the concept of managing reach by reach and I agree with maintaining the secluded character of reach three. I am however opposed to a permit system to maintain it. I think that there are a variety of less invasive strategies that would solve the problem if the triggers are reached.”

### Displacement of use (7 comments)

- “Making one section a permit only area because of reaching or exceeding an established trigger point will ultimately lead to further congestion in other sections and is not a good solution.”
- “If you decide to go to a permit system, please permit reach 2 right along with three, so you aren’t forcing the non-permit holders upstream.”

- “Keep in mind that by permitting Reach 3 you will also be displacing users to entirely different watersheds.”

## **Decision**

The plan will not identify a permit allocation system (a system for distributing permits). FWP will use observations and data collected in the field, combined with input from visitors, landowners, and other area residents, to establish a better understanding of recreational use and desired conditions on and along the river.

## **Rationale & Response to Comments**

It was clear from the comments that the public was not comfortable with identifying a permit allocation system. Instead, through the collection of recreation use data, FWP can learn more about the volume, timing, location and types of use that are occurring on the river and at access sites and ways to manage use with a goal of minimizing restrictions on recreation opportunities. The department is not proposing a permit system or any other form of restriction at this time. Any proposals to restrict use in the future would include opportunities for public involvement.

## **ADDITIONAL COMMENT THEMES/CATEGORIES**

There were five additional comment themes/categories that emerged during the comment analysis. A summary of those comments as well as agency response are provided for each theme/category.

### **1. Data Collection**

Twenty-four comments addressed the need for accurate recreation use data that could be used to assess the volume of use taking place on the Blackfoot River. The majority of these comments supported the collection of reliable use data that could be used to inform management decisions.

#### **Response**

FWP agrees that reliable recreation use data is an important component in determining management strategies for recreation on the Blackfoot River. More comprehensive use data will be collected and analyzed with results presented in the Blackfoot River Recreation Management Annual Report. Recreation use data will be a key component of establishing future recreation management direction.

### **2. Alternative Management Actions**

There were twenty-two comments that described alternatives to a permit system that could be used to maintain desired conditions if/when they were needed. Some of those suggestions included:

- Restricting the number of watercraft launches allowed per party per site per day.
- Capping the number of commercial trips allowed.
- Prohibiting commercial trips on certain days of the week.
- Reducing maximum group size limits.

#### **Response**

When addressing recreation issues on the Blackfoot River, it is important to assess how management actions might affect recreation opportunities. In addition, less-restrictive management actions should always be considered before proceeding to more restrictive management actions. The suggestions provided in these

comments might be applicable to managing recreation in the future. However, the collection of reliable use data will be necessary to understand how various management actions might address potential issues.

### **3. Economic Impacts**

Eight comments were received regarding the potential for negative economic impacts to Blackfoot communities if management actions were implemented to restrict or limit recreation on the Blackfoot River. Many of these comments specifically referenced the community of Ovando and suggested more thorough analysis of economic impacts as they relate to potential management actions.

#### **Response**

Economic viability is a concern for many small rural communities throughout Montana. This holds true for communities in the Blackfoot Valley and the current economic downturn has only heightened the challenges that communities face. FWP understands that management decisions can affect a user's decision to visit a particular area. In some cases restrictions for the purpose of providing a quality experience may attract some people to an area. In other cases, restrictions on use may limit people's ability to visit an area. As recreation management moves forward on the Blackfoot River, enhanced data collection efforts will provide a better understanding of recreation use patterns. This will better enable FWP to anticipate and evaluate economic impacts, both positive and negative, associated with potential recreation management actions.

### **4. Blackfoot Tributaries**

Five comments mentioned Blackfoot River tributaries, in particular those that provide critical fisheries habitat. Comments supported continued habitat rehabilitation and restoration efforts, retention of woody debris and assessment of recreation use on tributaries.

#### **Response**

Tributaries make up an important component of the Blackfoot Watershed and the FWP fisheries bureau and other governmental and nongovernmental entities have invested a tremendous amount of resources in their improvement. The department's recreation management focus is primarily on the main stem of the river and the North Fork tributary.

### **5. Fishing Regulations**

Four comments were received advocating the support of progressive fishing regulations for the Blackfoot River. Examples included single hook, barbless hook, artificial lure, and catch and release requirements.

#### **Response**

Fishing regulations are established by the FWP Commission, based upon recommendations from the Fish and Wildlife Division's Fisheries Bureau. The suggestions for changes to FWP fishing regulations will be shared with the FWP fisheries bureau.

## **IMPLEMENTATION**

The Final Plan will guide recreation management for the Blackfoot River. Future management actions could require FWP Commission approval prior to implementation and would include additional opportunities for public involvement. The Commission will consider the Plan when adopting rules but may vary its decision based on public input provided during the rulemaking process.

## **ADMINISTRATOR DECISION AND APPEAL PROCESS**

By notification of this decision notice the Draft Plan and Draft EA are hereby made the Final Plan and Final EA as modified in this notice. The Final Plan can be obtained from the FWP website ([fwp.mt.gov](http://fwp.mt.gov)) or by phone (406) 542-5562. The Final Plan is subject to appeal. Appeals must be submitted to Joe Maurier, Director, Montana Fish, Wildlife & Parks, PO Box 200701, Helena, MT 59620-0701 in writing and postmarked within 30 days of the date on this decision notice. The appeal must specifically describe the basis for the appeal, explain how the appellant has previously commented to the department regarding the plan or participated in the planning process, and how FWP may address the concerns in the appeal.



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**Chas Van Genderen**

Administrator  
Parks Division  
Montana Fish, Wildlife & Parks